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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,000	07/09/2003	Earl Littman	1656.002	1040
9809 7590 11/14/2008 KEELING PATENTS AND TRADEMARKS 3310 KATY FREEWAY, SUITE 100 HOUSTON, TX 77007				
EXAMINER				
LASTRA, DANIEL				
ART UNIT		PAPER NUMBER		
3688				
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11/14/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/616,000

**Applicant(s)**

LITTMAN ET AL.

**Examiner**

DANIEL LASTRA

**Art Unit**

3688

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09/19/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26, 28-30 and 32-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26, 28-30 and 32-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-26, 28-30 and 32-49 have been examined. Application 10/616,000 (METHOD AND SYSTEM OF ADVERTISING) has a filing date 07/09/2003 Claims Priority from Provisional Application 60429225 (11/26/2002).

### **Response to Amendment**

2. In response to Non Final Rejection filed 03/19/2008, the Applicant filed an Amendment on 09/19/2008, which amended claims 1, 5, 11, 15, 39, 47, cancel claims 27, 31 and added new claims 48 and 49.

### ***Specification***

3. The amendment filed 09/19/2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "advertisement schedule", "tracking status of advertising players", "recording statistics based upon parameters, not originally disclosed", "tracking step performed by a primary server or store controller". Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5, 11 and 47-49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 5 limitation of "reporting statistics based on a pre-established schedule", claim 11 limitation of "statistic reported by an advertising player after a predetermined number of invocations are invoked", claim 47 limitation of "tracking the status of at least one advertising player" and claims 48 and 49 "tracking step performed by a primary server or store controller" were not disclosed in the original specification filed 07/09/2003. The Specification filed 09/19/2008 would not be accepted as it is adding new matter to the original specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 11 and 47-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitations in claims 5, 11 and 47-49 do not have support in the original specification and therefore, said claims are indefinite.

#### **Claim Rejections - 35 USC § 102**

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 47-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Begum (US 5,420,606).

Claim 47, Begum teaches:

A method comprising:

sensing presence of a consumer proximate to a display of consumer goods (see col 6, lines 10-20; col 3, lines 5-15);

invoking by at least one advertising player, based on the presence of the consumer, an advertisement selected from a group of previously supplied advertisements (see col 3, lines 5-15),

the advertisements directed to at least one sense of the consumer (see col 3, lines 5-15); and tracking the status of at least one advertising player (see col 5, line 40 – col 6, line 10 “status of coupons in an advertising player” “location of advertising player”).

Claim 48, Begum teaches:

Wherein the tracking step is performed by a primary server (see col 5, lines 30-40).

Claim 49, Begum teaches:

Wherein the tracking step is performed by a store controller (see col 5, line 55 - col 6, line 10).

**Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 11-20, 24-26, 28-30, 32-40, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Begum (US 5,420,606) in view of Klayh (US 2003/0103644).

Claim 1, Begum teaches:

A method comprising:

sensing presence of a consumer proximate to a display of consumer goods (see col 3, lines 5-20; col 4, lines 5-15);

invoking, *by at least one advertising player*, based on the presence of the consumer, an advertisement selected from a group of previously supplied advertisements, the advertisements directed to at least one sense of the consumer (see col 3, lines 5-20; col 4, lines 5-15); and

Begum does not expressly teach reporting, *directly from at least one advertising player to a primary server*, statistics of invocation of advertisements. However, Klayh teaches a system that keeps track of the maximum number of times an advertisement should be shown to an identified subscriber upon detecting the presence of said

subscriber proximate to a display terminal (see Klayh paragraph 187). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would keep track of the maximum number of times an advertisement would be shown to a consumer the moment that said consumer is detected proximate to a display of consumer goods, as Klayh teaches that it is old and well known in the promotion art at the time the application was made, to keep track of the ads display to users upon detecting the presence of said users proximate to a display terminal and furthermore, Begum's advertising player would report said statistics to a primary servers for marketing purpose (see Begum col 5, lines 30-40).

Claim 2, Begum fails to teach:

wherein sensing the presence of the consumer further comprises ultrasonically detecting the presence of the consumer. However, Official Notice is taken that it is old and well known to detect the presence of a person using ultrasonic devices. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would detect the presence of a person adjacent a display using ultrasonic devices, as it is old and well known to do so.

Claim 3, Begum fails to teach:

wherein sensing the presence of the consumer further comprises detecting changes in an electric field caused by presence of the consumer. However, Official Notice is taken that it is old and well known to detect the presence of a person using changes in electric field. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would detect the

presence of a person adjacent a display using electric fields, as it is old and well known to do so.

Claim 4, Begum fails to teach:

wherein sensing the presence of the consumer further comprises optically detecting the presence of the consumer. However, Official Notice is taken that it is old and well known to optically detect the presence of a person. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would optically detect the presence of a person adjacent a display, as it is old and well known to do so.

Claim 5, Begum fails to teach:

wherein *at least one advertising player reports the statistics based on a pre-established schedule* (see col 7, lines 20-35).

Claim 6, Begum fails to teach:

wherein sensing the presence of the consumer further comprises detecting a radio frequency identification device carried by the consumer. However, Official Notice is taken that it is old and well known to detect the presence of a person using radio frequency identification carried by the person. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would detect the presence of a person adjacent a display using radio frequency identification, as it is old and well known to do so.

Claim 7, Begum teaches:



wherein invoking an advertisement directed to at least one sense of the consumer further comprises invoking an advertisement directed to at least one sense selected from the group: visual, audio and olfactory (see col 3, lines 5-15).

Claim 11, Begum fails to teach:

*Wherein the statistics are reported by at least one advertising player a predetermined number of invocations are invoked (see col 7, lines 25-35).*

Claim 12, Begum fails to teach:

detecting removal of a consumer good from the display of consumer goods. However, Official Notice is taken that it is old and well known to detect the removal of consumer good from the display of consumer good. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would detect the presence of a person adjacent a display and would detect the removal of consumer good from the display of consumer good, as it is old and well known to do so.

Claim 13, Begum fails to teach:

wherein detecting removal of a consumer good from the display of consumer goods further comprises reading a radio frequency tag embedded in the consumer good as the tag passes through a reading beam. However, Official Notice is taken that it is old and well known to read a radio frequency tag embedded in the consumer good as the tag passes through a reading beam. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would

read a radio frequency tag embedded in the consumer good as the tag passes through a reading beam, as it is old and well known to do so.

Claim 14, Begum fails to teach:

wherein the display of consumer goods is a product display having a door, and wherein sensing presence of the consumer further comprises sensing opening of the door. However, Official Notice is taken that it is old and well known to detect the presence of a person when said person opens a door. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would detect the presence of a person when said person opens a door, as it is old and well known to do so.

Claim 15, Begum fails to teach:

wherein *at least one advertising player reports the statistics in response to a request by the primary server (see col 5, lines 30-40).*

Claim 16, Begum teaches:

wherein invoking an advertisement directed to at least one sense of the consumer further comprises invoking an advertisement directed to at least one sense selected from the group: visual, audio and olfactory (see col 3, lines 5-15).

Claim 17, Begum fails to teach:

wherein the product display having a door is a freezer. However, Official Notice is taken that it is old and well known that some goods are stored in freezers. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would detect the presence of a person when said person

opens a door and that said door would belong to a freezer, as it is old and well known to do so.

Claim 18, Begum teaches:

An advertising system comprising:

a first computer system (see figure 1);

a remote advertising player coupled to the first computer system by way of a communication system (see figure 1); and

wherein the remote advertising player senses presence of a person proximate to a display of consumer goods, and plays an advertisement stored in the remote advertising player previously supplied by the first computer system (see col 3, lines 5-20; col 4, lines 5-10). Begum does not expressly teach and wherein the remote advertising player reports a metric of advertising play to the first computer system. However, Klayh teaches a system that monitors the advertisements display to a person upon detecting the presence of said person proximate to a display terminal (see Klayh paragraphs 190-191). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would monitor the ads display to consumers upon detecting the presence of said consumers proximate to a display of consumer goods, as Klayh teaches that it is old and well known in the promotion art at the time the application was made, to monitor the ads display to users upon detecting the presence of said users proximate to a display terminal.

Claim 19, Begum teaches:

wherein the communication system comprises, at least in part, a wireless communication system (see col 3, lines 5-20).

Claim 20, Begum fails to teach:

wherein the remote advertising player further comprises:

a radio frequency communication circuit that may at least periodically be wirelessly coupled to the first computer system;

a storage medium coupled to the radio frequency communication circuit, the storage medium storing advertisements; and

a communication device for reproducing the advertisement. However, the same argument made in claim 6 is made in claim 20.

Claim 24, Begum teaches:

a second computer system coupling the first computer system and the remote advertising player, and wherein the second computer system facilitates communications between the first computer system and the advertising player (see figure 1).

Claim 25, Begum fails to teach:

wherein the second computer system couples to the first computer system by way of an Internet connection. However, Klayh teaches that a system that displays ads to a person upon detecting the presence of said person proximate a display where the Internet is used for said displaying (see paragraph 3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would use the Internet as a network communication as it is old and well known to do so, as taught by Klayh.

Claim 26, Begum fails to teach:

wherein the second computer system couples to the first computer system by way of a satellite communication system. However, Official Notice is taken that it is old and well known to communicate via satellite communication. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would use satellite communication as it is old and well known to do so.

Claim 28, Begum teaches:

a sensing device coupled to the advertising player, and wherein the advertising player plays advertisements when the sensing device detects presence of a person (see col 5, lines 55-60).

Claim 29, Begum fails to teach:

wherein the sensing device further comprises an ultrasonic sensor. However, the same argument made in claim 2 is also made in claim 29.

Claim 30, Begum fails to teach:

wherein the ultrasonic sensor is in operational relationship to a door of a freezer. However, the same rejection applied to claim 17 is also made in claim 30.

Claim 32, Begum fails to teach:

wherein the sensing device further comprises an optical sensing device. However, the same rejection applied to claim 4 is also made in claim 32.

Claim 33, Begum fails to teach:

wherein the optical sensing device further comprises a laser based sensing device. However, the same rejection applied to claim 5 is also made in claim 33.

Claim 34, Begum fails to teach:

wherein the sensing device further comprises a radio frequency identification tag reader, and wherein the radio frequency identification tag reader detects a person carrying a radio frequency identification tag. However, the same rejection applied to claim 13 is also made in claim 34.

Claim 35, Begum fails to teach:

further comprising a radio frequency identification tag reader coupled to the advertising player, and wherein the advertising player detects that a person has removed an item from a group of items by scanning a radio frequency identification tag associated with the item. However, the same rejection applied to claim 13 is also applied to claim 35.

Claim 36, Begum teaches:

a third computer system coupled to the first computer system, the third computer system used to create advertisements (see figure 1).

Claim 37, Begum teaches:

wherein the advertising player provides information to a person about products proximate to the advertising player (see col 5, lines 55-65).

Claim 38, Begum fails to teach:

wherein the advertising player provides nutritional information about foods proximate to the advertising player. However, Official Notice is taken that it is old and

well known to provide nutritional information about products to customers. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would provide nutritional ads to persons detected near a display as it is old and well known to do so.

Claim 39, Begum teaches:

A system comprising:

*An advertising player containing a processor (see figure 1)*

a random access memory (RAM) coupled to the processor (see figure 1);

a communication device coupled to the processor (see figure 1);

a sensing device coupled to the processor (see figure 2, item 90); and

an advertisement reproduction device coupled to the processor (see figure 2);

wherein the processor is programmed to sense proximity of a consumer proximate to a display of consumer goods using the sensing device, and when a consumer is detected by the sensing device, the processor is further adapted to play an advertisement stored in the RAM on the advertisement reproduction device (see col 3, lines 1-20; col 4, lines 5-10);

wherein the processor receives advertisements *directly from a primary server* and stores the advertisements in the RAM (see col 6, lines 42-67; col 7, lines 60-65). Begum does not expressly teach wherein the processor is further programmed to send data to external devices by way of the communication device, regarding statistics of advertising play. However, Klayh teaches a system that monitors the advertisements display to a person upon detecting the presence of said person proximate to a display

terminal (see Klayh paragraphs 190-191). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would monitor the ads display to consumers upon detecting the presence of said consumers proximate to a display of consumer goods, as Klayh teaches that it is old and well known in the promotion art at the time the application was made, to monitor the ads display to users upon detecting the presence of said users proximate to a display terminal.

Claim 40, Begum fails to teach:

wherein the sensing device comprises at least one device selected from the group of: ultrasonic sensor, laser device, magnetic flux change sensor, and radio frequency identification tag reader. However, the same rejection made in claims 2-6 is also made in claim 40.

Claim 45, Begum fails to teach:

wherein the communication device further comprises a radio frequency communication device. However, the same rejection applied to claim 6 is also made in claim 45.

Claim 46, Begum teaches:

wherein the communication device further comprises a network interface (see figure 1).

7. Claims 8-10, 21-23 and 41-44 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Begum (US 5,420,606) in view of Klayh (US 2003/0103644) and further in view of Vela (US 4,882,724).



Claim 8, Begum does not teach:

wherein invoking an advertisement further comprises playing a video clip. However, Vela teaches that it is old and well known in promotion art at the time the application was made, to display video clip upon the detecting the presence of a person proximate to a display of consumer goods (see Vela col 39, lines 1-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would display video clips upon detecting a person proximate to a display of consumer goods, as Vela teaches that it is old and well known to do so.

Claim 9, Begum fails to teach:

wherein invoking an advertisement further comprises playing a video clip with audio. However, Vela teaches that it is old and well known in promotion art at the time the application was made, to display video and audio clips upon the detecting the presence of a person proximate to a display of consumer goods (see Vela col 39, lines 1-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would display video clips and audio clips upon detecting a person proximate to a display of consumer goods, as Vela teaches that it is old and well known to do so.

Claim 10, Begum fails to teach:

wherein invoking an advertisement further comprises playing an audio clip. However, Vela teaches that it is old and well known in promotion art at the time the application was made, to display video and audio clips upon the detecting the presence

of a person proximate to a display of consumer goods (see Vela col 39, lines 1-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would display video clips and audio clips upon detecting a person proximate to a display of consumer goods, as Vela teaches that it is old and well known to do so.

Claim 21, Begum fails to teach:

wherein the communication device further comprises video display. However, Vela teaches that it is old and well known in promotion art at the time the application was made, to display video and audio clips upon the detecting the presence of a person proximate to a display of consumer goods (see Vela col 39, lines 1-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would display video clips and audio clips upon detecting a person proximate to a display of consumer goods, as Vela teaches that it is old and well known to do so.

Claim 22, Begum fails to teach:

wherein the communication device further comprises an audio speaker. However, Vela teaches that it is old and well known in promotion art at the time the application was made, to display video and audio clips upon the detecting the presence of a person proximate to a display of consumer goods (see Vela col 39, lines 1-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would display video clips and audio clips

upon detecting a person proximate to a display of consumer goods, as Vela teaches that it is old and well known to do so.

Claim 23, Begum fails to teach:

wherein the communication device further comprises a video display. However, Vela teaches that it is old and well known in promotion art at the time the application was made, to display video and audio clips upon the detecting the presence of a person proximate to a display of consumer goods (see Vela col 39, lines 1-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would display video clips and audio clips upon detecting a person proximate to a display of consumer goods, as Vela teaches that it is old and well known to do so.

Claim 41, Begum fails to teach:

wherein the advertisement reproduction device further comprises an audio speaker. However, Vela teaches that it is old and well known in promotion art at the time the application was made, to display video and audio clips upon the detecting the presence of a person proximate to a display of consumer goods (see Vela col 39, lines 1-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would display video clips and audio clips upon detecting a person proximate to a display of consumer goods, as Vela teaches that it is old and well known to do so.

Claim 42, Begum fails to teach:

wherein the advertisement reproduction device further comprises a video display. However, Vela teaches that it is old and well known in promotion art at the time the application was made, to display video and audio clips upon the detecting the presence of a person proximate to a display of consumer goods (see Vela col 39, lines 1-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would display video clips and audio clips upon detecting a person proximate to a display of consumer goods, as Vela teaches that it is old and well known to do so.

Claim 43, Begum fails to teach:

wherein the advertisement reproduction device further comprises a audio speaker. However, Vela teaches that it is old and well known in promotion art at the time the application was made, to display video and audio clips upon the detecting the presence of a person proximate to a display of consumer goods (see Vela col 39, lines 1-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Begum would display video clips and audio clips upon detecting a person proximate to a display of consumer goods, as Vela teaches that it is old and well known to do so.

Claim 44, Begum fails to teach:

wherein the video display further comprises a touch screen control panel, and wherein the system is adapted to interactively provide information to the consumer. However, Official Notice is taken that it is old and well known to use touch screens. It

would have been obvious to a person of ordinary skill in the art at the time the application that Begum would use touch screen as it is old and well known to do so.

### ***Response to Arguments***

8. Applicant's arguments filed 09/19/2008 have been fully considered but they are not persuasive. The Applicant argues that Begum does not teach "tracking status of at least one advertising player". The Examiner answers that Applicant's specification does not have support for said limitation.

The Applicant argues that Begum does not teach "reporting directly from one advertising player to a primary server". The Examiner answers that Begum teaches communicating periodically with a coupon redemption center for coupon crediting and accounting (see col 5, lines 30-40). Therefore, contrary to Applicant's argument, Begum teaches Applicant's specification.

The Applicant argues that Begum does not teach detecting the presence of person proximate to a display of consumer goods. The Examiner answers that Begum detects the presence of a person and activates the display of coupons when said person is the market area proximate to the location of the discounted items (see col 3, lines 5-15). Therefore, contrary to Applicant's argument, Begum teaches Applicant's specification.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James W. Myhre can be reached on (571)272-6722. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Raquel Alvarez/  
Primary Examiner, Art Unit 3688

/DANIEL LASTRA/  
Examiner, Art Unit 3688

Application/Control Number: 10/616,000

Page 22

Art Unit: 3688

November 8, 2008